

Customer No. 27061
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Patent
Attorney Docket No. GEMS8081.177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Hoffman, David M.
Patent No. 7,167,539 B1
Issue Date 1/23/2007
App. Serial No. : 10/604,589
Filed : 8/1/2003
For : THERMAL SENSING DETECTOR CELL FOR A COMPUTED
TOMOGRAPHY SYSTEM AND METHOD OF MANUFACTURING
SAME

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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37 CFR 1.8(a)

37 CFR 1.10

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■ transmitted by EFS-WEB addressed to Office of Petitions at the Patent and Trademark Office.

Date: February 23, 2007

/Robyn L. Templin/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. §1.705(d)

Dear Sir:

Pursuant to a revision of the patent term adjustment for the above-captioned patent,
Applicant requests reconsideration of extension of patent term under 37 C.F.R. §1.705(d).

REMARKS

The Notice of Allowance, mailed November 6, 2006, for the above-captioned patent indicated a period of 766 days adjustment for PTO delays. Applicant agrees that, pre-issuance, the patent was entitled to 766 days of adjustment. Due to a delay attributed to Applicant under 37 C.F.R. 1.704(c)(10), the patent issued with an adjustment of 702 days – 64 days having been accredited to Applicant’s failure to engage in reasonable efforts to conclude processing of the application. However, Applicant believes that an adjustment of 745 days is proper.

Specifically, 37 C.F.R. 1.704(c)(10) allows for patent term reduction for submission of an amendment under § 1.312 after a notice of allowance has been given or mailed. 37 C.F.R. 1.704(c)(10) allows the period of adjustment to be reduced by the lesser of “[t]he number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper” or four months. Applicant filed an amendment under § 1.312 on November 21, 2006. A response to the amendment under § 1.312 was mailed on December 11, 2006 – accounting for 21 days of patent term adjustment reduction. However, as indicated in PAIR, the issue date of the patent was used in calculating the ending date for the 37 C.F.R. 1.704(c)(10) reduction. Accordingly, the PTO reduced the patent term by 64 days – the number of days between Applicant’s filing the § 312 amendment and the issue date of the patent.

As explained above, the ending date for calculating a reduction of patent term is the mailing date of the response to the § 312 amendment. As indicated above, the response was mailed on December 11, 2006. Accordingly, only 21 days should have been removed from the total of 766 days indicated in the Notice of Allowance.

Therefore, Applicant is entitled to a patent term adjustment for the above-captioned patent of 745 days – 766 days for PTO delays less 21 days for Applicant delays. The above-captioned patent is not subject to a terminal disclaimer, and, as explained above, any circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704 result from errors by the Patent Office.

The fee of \$200 as set forth in 37 C.F.R. §1.18(e) is filed concurrently herewith.

Applicant hereby requests that any questions regarding this matter be directed to the undersigned.

Respectfully submitted,

/Kent L. Baker/

Kent L. Baker
Registration No. 52,584
Phone 262-268-8100
klb@zpspatents.com

Dated: February 23, 2007
Attorney Docket No.: GEMS8081.177

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 S. Wisconsin St.
Port Washington, WI 53074
262-268-8100